



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4810

Introduced 01/18/06, by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

760 ILCS 100/2b new

Amends the Cemetery Care Act. Provides that neither a public nor private cemetery may prohibit the use of flag holders and grave markers for veterans unless it (i) has a written policy prohibiting this use, (ii) notifies a prospective purchaser of burial services or of a grave, niche, or mausoleum crypt of the policy, and (iii) posts the policy prominently at all entrances and exits to the cemetery. Provides that any veteran's flag holder or grave marker displayed on a veteran's grave, niche, or crypt on the effective date of this Act shall be permitted to continue to be used or displayed notwithstanding any policy adopted after the effective date. Effective immediately.

LRB094 17542 AJ0 52838 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Cemetery Care Act is amended by adding
5 Section 2b as follows:

6 (760 ILCS 100/2b new)

7 Sec. 2b. Duties of cemetery authorities; graves of
8 veterans. A cemetery authority owning, operating, controlling,
9 or managing a privately or publicly operated cemetery:

10 (a) shall permit the use or display of grave markers or
11 flag holders of official United States military veterans'
12 organizations on the grave, niche, or mausoleum crypt of a
13 United States military veteran whose service or honorable
14 discharge entitled his or her grave, niche, or crypt to display
15 a veteran's grave marker or flag holder.

16 (b) may not prohibit the use or display of an official
17 United States military veterans' organization grave marker or
18 flag hold on the grave, niche, or mausoleum crypt of a United
19 States military veteran whose service or honorable discharge
20 entitled his or her grave, niche, or crypt to display a
21 veteran's grave marker or flag holder unless:

22 (1) the authority has a written policy that prohibits
23 the use or display of official grave markers or flag
24 holders of official United States military veterans'
25 organizations on the grave, niche, or mausoleum crypt of a
26 United States military veteran located on the cemetery
27 property;

28 (2) the authority provides written notification of the
29 cemetery authority's policy that prohibits the use or
30 display of official grave markers or flag holders of
31 official United States military veterans' organizations on
32 the grave, niche, or mausoleum crypt of a United States

1 military veteran to any one who is a prospective purchaser
2 of a grave, niche, mausoleum, crypt, or burial services on
3 the cemetery property by a notice in any agreement for
4 burial services or for the purchase of a grave, niche, or
5 mausoleum crypt that is conspicuous and in bold print that
6 is a larger typeface than the rest of the typeface used in
7 the agreement; and

8 (3) the authority provides written notification to the
9 public and cemetery visitors of the cemetery authority's
10 policy that prohibits the use or display of official grave
11 markers or flag holders of official United States military
12 veterans' organizations on any grave, niche, mausoleum, or
13 crypt of a United States military veteran by signs that are
14 legible from a distance of 75 feet and that are posted
15 prominently at all entrances and exits to the cemetery.

16 (c) Shall allow any grave, niche, or mausoleum crypt that
17 displays an official grave marker or flag holder of an official
18 United State military veterans' organization on the date of
19 this amendatory Act of the 94th General Assembly, to continue
20 to be used or displayed notwithstanding any policy of the
21 cemetery authority adopted after the effective date of this
22 amendatory Act of the 94th General Assembly.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.